

1 JOHN H. DONBOLI (SBN: 205218)  
2 JL SEAN SLATTERY (SBN: 210965)  
3 DEL MAR LAW GROUP, LLP  
4 322 8<sup>th</sup> Street, Suite 101  
5 Del Mar, CA 92014  
6 Telephone: (858) 793-6244  
7 Facsimile: (858) 793-6005

5 Attorneys for Plaintiff: RICHARD A. SILBER, an individual and on behalf  
of all others similarly situated

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

10 RICHARD A. SILBER, an individual and on ) CASE NO. 3:08CV00637-JLS-RBB  
behalf of all others similarly situated, )  
11 Plaintiff, ) **CLASS ACTION**  
12 vs. )  
13 )  
14 SHOP-VAC CORPORATION, a Pennsylvania ) **JOINT MOTION FOR ORDER**  
Corporation, and DOES 1 through 100, ) **STRIKING INADVERTENT**  
inclusive, ) **INCLUSION OF IRRELEVANT**  
15 ) **DOCUMENTS FILED WITH NOTICE**  
Defendants. ) **OF REMOVAL**  
16 )  
17 )  
18 )

20 Plaintiff Richard A. Silber (“Plaintiff”) and Defendant Shop-Vac Corporation  
21 (“Defendant”) hereby move this Court for an Order striking the inadvertent inclusion of  
22 irrelevant documents that were filed with Defendant’s Notice of Removal. In support of this joint  
23 motion, the parties present the following.

24       1. On or about February 25, 2008, Plaintiff filed a putative class action Complaint  
25 ("Complaint") in the Superior Court of San Diego County, California, Case No. 37-2008-  
26 00078687-CU-BT-CTL, against Defendant.

27 ||| 2. Defendant timely filed a Notice of Removal pursuant to the Class Action Fairness

1 Act of 2005 (“CAFA”), Pub. L. No. 109-2, 119 Stat. 4 (codified in scattered sections of 28  
2 U.S.C.), on April 8, 2008.

3       3. As part of the Notice of Removal, Defendant inadvertently included Page 29, 30,  
4 and 31 (of the total 34 pages filed), which were not intended to be filed with this Court.  
5 Specifically, the three pages are irrelevant to this litigation.

6 WHEREFORE, Plaintiff and Defendant respectfully pray for an Order striking pages 29,  
7 30, and 31 from the 34-page Notice of Removal that was filed with this Court on April 8, 2008.

9 | Dated: April 14, 2008

Respectfully submitted,

DEL MAR LAW GROUP, LLP

12 By: s/John H. Donboli  
13 JOHN H. DONBOLI  
14 E-mail: jdonboli@delmarlawgroup.com  
Attorney for Plaintiff RICHARD A. SILBER, an  
individual and on behalf of all others similarly  
situated

16 | Dated: April 14, 2008

ARMSTRONG TEASDALE

18 By: s/Kevin Senn  
19 KEVIN SENN  
20 E-mail: ksenn@armstrongteasdale.com  
Atorneys for Defendant SHOP-VAC  
CORPORATION